

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KIM MACMILLAN

Plaintiff,

v.

MR. & MRS. ALVIN LOWE SR &
FAMILY (ALIAS) MR. & MRS. JAMES
BRODY SR. & FAMILY
Defendants.

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* CIVIL ACTION NO. JFM-07-3063

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MEMORANDUM

On November 13, 2007, plaintiff Kim McMillan, a resident of Baltimore, Maryland, filed this *pro se* complaint invoking this court's diversity and federal question jurisdiction against defendants, complaining of "extortion" of "daughters and self," battery, assault, manslaughter, and live "bodies....beneath the ground at several locations in Baltimore City."¹ Paper No. 1. Plaintiff claims that defendants have "cursed and calculated and evil from me and my family...." She further alleges that defendants have conspired with a Charlie Thompkins, who has ransacked her house in South Carolina, placed her daughters in bondage, and taught her children that "he is God and [they have] to listen to him." *Id.* Plaintiff states that her daughter recently attempted to return to her, but was attacked, whipped, and "pulled....under the ground insisting that she worship the devil." *Id.* Plaintiff seeks damages in the amount of \$27,000,000.00 and an injunction ordering the immediate commitment "to the nearest state hospital." *Id.* Because she appears indigent, plaintiff's motion for leave to proceed *in forma pauperis* shall be granted pursuant to 28 U.S.C. § 1915(a). Her complaint, however, shall be summarily dismissed.

¹ Plaintiff also makes reference to devil worship, "whoredom," and "nyphomaniacs." Paper No. 1 at 1.

This court may preliminarily review the claims in plaintiff's complaint before service of process and dismiss the complaint pursuant to 28 U.S.C. § 1915(e) prior to service if the court is satisfied that it has no factual or legal basis and it is frivolous on its face. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989); *see also Denton v. Hernandez*, 504 U.S. 25, 33 (1992); *Cochran v. Morris*, 73 F.3d 1310, 1314 (4th Cir. 1996). As explained by the Supreme Court in *Neitzke*: "Examples of [factually baseless lawsuits] are claims describing fanciful or delusional scenarios, with which federal district judges are all too familiar." *Neitzke v. Williams*, 490 U.S. at 328.

Plaintiff's bald allegations of defamation, extortion, assaults, live burials and devil worship are fantastic at best. The complaint clearly has no basis in law and fact and shall be dismissed as frivolous without service of process upon defendants. A separate order shall be entered reflecting the opinion set out above.

Date: November 20, 2007

/s/_____
J. Frederick Motz
United States District Judge